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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Scott C. Harris	Group Art Unit 2134
Appl. No.	:	09/557,278	
Filed	:	April 24, 2000	
For	:	Page Encryption System	
Examiner	:	J. Lipman	

Applicants Brief On Appeal

Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant herewith files this Brief on Appeal thus perfecting the Notice of Appeal which was originally filed on October 7, 2004.

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Scott Harris
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The present application qualifies for small entity status under 37 C.F.R. § 1.27.

The headings and subject matter required by rule 192 follow.

Real Party in Interest

The inventor has not assigned any rights in this case, thereby making the inventor the real party in interest

Related Appeals and Interferences

There are no known related appeals and/or interferences.

Status of Claims

Claims 1 and 3-15 are pending in the case. Each of these claims were rejected, and each of these claims are appealed.

Status of Amendments

Amendment after final was filed on October 7, 2004. As of the time of filing of this Brief, it is unknown what the status of this amendment is.

Summary of Claimed Subject Matter

Claim 1 requires text containing information and formatting information that includes at least font information to be obtained, This is described on page 10 of the application, for example at lines 7-10, formatting into a format for display, see page 10

lines 13-21 to form an electronic file, and encrypting that electronic file to form formatted encrypting information. See generally many places in the specification such as page 3 lines 16-22.

Claim 9 has many similar aspects. Claim 9 requires that a chunk of the display formatted information be obtained, see generally page 12 lines 17-22, and that the information is encrypted.

Claim 13 is supported in the specification in similar ways to those discussed above.

The Grounds of Rejection to be Reviewed on Appeal

Claims 1-15 are rejected based on U.S. Patent No. 5,321,749 to Virga. Quite simply, the issue for review on appeal is whether this rejection is correct.

Grouping of Claims

None of the claims rise and fall together for reasons set forth herein.

Arguments

Virga teaches a system, usable by fax machines, for encrypting an image. The entire teaching of Virga is that the images on paper are encrypted. Figure 4 shows a document encryption operation by optically scanning the document, see step 100 in Figure 10; and then encrypting that optically-scanned document.

In contrast, the present system as defined by amended claim 1, obtains text containing information and formatting information, uses that formatting information to format the text and produce an electronic file (as compared with Virga's paper) indicative of the formatted text, and then encrypting the electronic file. Claim 1 therefore defines that the encrypting electronically forms an electronic file, as compared with Virga who apparently obtains a paper document and scans it. In contrast to Virga, the techniques of claim 1 define formatting information to form an electronic file, and then encrypting the electronic file indicative of the formatted information.

This is not in any way taught or suggested by Virga, which never teaches or suggests formatting into an electronic file – he teaches scanning. Moreover, and also importantly, this goes against the established teaching in the art. The typical teaching in the art is that the text ITSELF, or the file containing the text ITSELF would be encrypted. Virga does not teach that the text is formatted using the formatting information and then that electronic file is encrypted. An advantage of this system is disclosed in the specification. Specifically, since the document or file has been formatted, it is less susceptible to decryption by frequency based techniques. In any case, Virga never teaches or suggests obtaining text and formatting information, forming the electronic file based on the text and formatting information, and encrypting the electronic file.

The rejection states that Virga teaches formatting information; referring to columns 6 lines 29-45. However, a review of this document portion shows that this is not a formatting system, but rather a scanning system that converts the document into a bitmap using the disclosed scanning system.

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In the amendment after final, the Patent Office further alleged that "the entire document could be handwritten". However, this counterargument is incorrect, since a handwritten document on paper, is still an image on paper. Applicant agrees that Virga formats a file to produce a bitmap; however, with all due respect, this is different than what is claimed. Claim 1, for example, defines formatting the text containing information to form an electronic file representing formatted and encrypted information. Claim 9 defines formatting a text containing file into a form for display...". Nowhere does Virga teach such an electronic file, or such operations being carried out on an electronic file. The statement that the entire document could be handwritten makes the point exactly; that a handwritten paper is certainly not an electronic file. Virga suggests that paper can be scanned, but never suggests that the scan (e.g. a bitmap), is formatted.

With regards to the Patent Office's argument that scanning to a bitmap is "producing a file", with all due respect, this again ignores the specific claim language. Virga does not use the formatting information to format the text and produce an electronic file. Rather, Virga prints the text and then scans it. The bitmap is clearly an electronic file, but it is not an electronic file produced by formatting the text information into a format for display to form the electronic file, as claimed.

The undersigned certainly understands that the Patent Office is allowed to take the broadest reasonable interpretation of any claim language. However, at some point, Applicant has to be able to rely on the words meaning something. Here, the claims define forming an electronic file from the formatting. This not the same as printing and

document and then scanning it. With all due respect, this twists the words so much, that it bends them to have effectively no meaning whatsoever.

For these reasons, and others set forth herein, the rejection of claims 1-15, under 35 U.S.C. 102(b), as allegedly being anticipated by Virga, is respectfully traversed. Virga teaches that images on paper are scanned, and that the scanned file is encrypted. Virga shows a document encryption operation by printing the document, scanning the document, and encrypting that optically scanned document, e.g. encrypting the bitmap. In contrast, the system defined by claim 1 uses text information and formatting information to format the text and produce an electronic file. This is completely different than the paper-based system used in Virga.

Virga never teaches or suggests formatting information as claimed. Rather, Virga starts with information on paper. It can be, as the rejection suggests, that this information on paper could be handwritten, or could be printed, or whatever. The point is, that Virga does not format the text containing information into a format for display to form an electronic file representing this.

Therefore, claim 1 should be allowable along with the claims which depend therefrom.

Claim 4 requires that the route in encrypting comprises determining a distance to a transition between a first color and the second color, and coding that distance. The rejection states that this is shown in column 11 lines 3-37 of Virga. Virga's scanning operation does not read on coding distances between transitions between colors.

Claim 7 defines encrypting a chunk of information at a time where that chunk includes a line of information. The rejection alleges that Virga shows lines being

encrypted in chunks (column 11 lines 61-60). However, claim 7 specifically requires that each chunk is one line of information. This is not taught or suggested by Virga.

Claim 9 should be allowable, since it defines formatting the text containing file into a display formatted form for display, and coding that text containing file. This is even further allowable. Virga's scanning certainly could not be read on the formatting of a text containing file.

Claim 11 should be additionally allowable, as Virga never teaches varying the size of chunks of the type claimed and certainly never teaches or suggests that different chunks have different sizes on the same page.

Claim 13 defines obtaining a text containing file, formatting the text into a formatted electronic file for display, and encrypting the information by determining distances between transitions in the encrypted information. As described above, nowhere does Virga teach or suggest a formatted electronic file for display.

Claim 14 defines anti-stitching, which is further distinguished over the cited prior art. The response to arguments tries to read the anti-stitching on a password. However, this misses the point entirely. The decryption of an image by stitching would involve trying to find parts of the image that fit together. This has nothing to do with a password, and Virga teaches nothing about anti stitching.

Claim 15 defines determining distances between transitions on a specified line and determining numbers indicative of those distances. As described previously, this is nowhere taught or suggested by Virga.

For reasons discussed above, therefore, and with all due respect to the Patent Office's position, it is respectfully suggested that all of the claims should be in condition

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for allowance. For these reasons, the patent office's rejection of these claims is in error, and should be reversed.

Please charge any fees due in connection with this response to Deposit Account No. 50-1387.

Respectfully submitted,

Date: 12/6/04

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Appendix – all claims on appeal